

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11840 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of
the judgment ?

4 Whether this case involves a substantial question of
law as to the interpretation of the constitution of
India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUKHIBEN LALLUBHAI PATEL
Versus
THE STATE OF GUJARAT AND OTHERS

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MR HR PRAJAPATI for the petitioner

Mr Krunal Pandya, Assistant Government Pleader for the respondents

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 02/05/2007

ORAL JUDGMENT:

Rule. Mr Krunal Pandya, learned Assistant Government Pleader waives service of Rule for the respondents. At the request of the learned advocates for the parties, the matter is taken up for final hearing today.

The petitioner had applied to respondent to permit her to change the place of business from village Hajira to village Puna. She, therefore, made necessary application for the same. Her request was not accepted by the District Civil Supplies Officer and that decision was communicated to the concerned Mamlatdar on 8.2.2007. On the basis of the said order, the Mamlatdar vide his communication dated 17.3.2007 intimated the petitioner that it was not possible to accept her request. Hence, this petition.

I have heard Mr Prajapati for the petitioner and Mr Pandya, learned Assistant Government Pleader for the respondents. It is submitted by Mr Prajapati that in similar circumstances this Court had quashed the impugned order and had directed the concerned authority to reconsider the request. According to him, the impugned decision has been taken unilaterally. The record of the petition shows that no hearing has been granted to the petitioner. It also appears that no reasons have been assigned why the petitioner's request cannot be accepted.

In these circumstances the present case stands covered by the decision of the learned Single Judge of this Court rendered in Special Civil Application No.8653 of 2006 in the case of Chandrakant Mansukhlal Gandhi v. State of Gujarat dated 22.09.2006. In view of the same, the impugned order dated 17.3.2007 is quashed and set aside. The matter is remitted to respondent No.2 to reconsider the application of the petitioner for change of place of business. He is also directed to grant personal hearing to the petitioner or her representative before passing any order. He will also communicate the decision within 15 days of the date of the decision to the petitioner. The entire process to be completed on or before 31st July 2007. The petition is allowed. Rule is made absolute with no order as to costs.

(Akshay H Mehta, J.)

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